

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1397 be amended to read as follows:

- 1 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 2 **"Sec. 5.5. As used in this chapter, "dealer" means a person who:**
- 3 **(1) is engaged in the business of buying, selling, leasing, or**
- 4 **exchanging property described in subdivision (2); and**
- 5 **(2) sells, leases, or advertises the sale or lease of more than**
- 6 **four (4):**
- 7 **(A) motor vehicles;**
- 8 **(B) pieces of construction equipment;**
- 9 **(C) farm tractors;**
- 10 **(D) tractors;**
- 11 **(E) recreational vehicles; or**
- 12 **(F) truck campers;**
- 13 **within a twelve (12) month period."**
- 14 Page 3, line 7, after "10." insert **"(a)"**.
- 15 Page 3, line 13, delete "corporation" and insert **"the dealer selling**
- 16 **the property"**.
- 17 Page 3, between lines 14 and 15, begin a new paragraph and insert:
- 18 **"(b) The term does not include the purchase of any property**
- 19 **described in subsection (a) for the purpose of resale."**
- 20 Page 4, line 31, delete "20(c)" and insert **"21"**.
- 21 Page 4, line 35, delete "(a)".
- 22 Page 4, line 40, delete "corporation" and insert **"the dealer selling**
- 23 **the property"**.
- 24 Page 4, delete line 42, begin a new paragraph and insert:

1 **"Sec. 21. (a) This subsection does not apply to a motor vehicle**
2 **that is subject to subsection (b). A dealer shall certify that a motor**
3 **vehicle, farm tractor, construction equipment, tractor, recreational**
4 **vehicle, or truck camper is made in America if the motor vehicle,**
5 **farm tractor, construction equipment, tractor, recreational vehicle,**
6 **or truck camper has been assembled in America.**

7 **(b) This subsection applies only to a motor vehicle that is a truck**
8 **having a gross declared weight of not more than eleven thousand**
9 **(11,000) pounds or a passenger motor vehicle (as defined by**
10 **IC 9-13-2-123). A dealer shall certify that a motor vehicle is made**
11 **in America if the motor vehicle satisfies the following**
12 **requirements:**

13 **(1) The motor vehicle must be assembled in America.**

14 **(2) The engine of the motor vehicle must be assembled in**
15 **America.**

16 **(3) The transmission of the motor vehicle must be assembled**
17 **in America.**

18 **(4) At least seventy percent (70%) of the parts contained in**
19 **the motor vehicle must be made in America.**

20 **(c) The certifications required by this section must be made on**
21 **a form prescribed by the corporation and must be signed by the**
22 **dealer under penalty of perjury. The corporation shall make the**
23 **forms available on the web site maintained by the corporation. The**
24 **certification form must be made available so that an individual can**
25 **download the form for completion.**

26 **(d) A copy of the certification received under this section must**
27 **be submitted to the department under section 19 of this chapter for**
28 **each qualified investment for which the qualified taxpayer wishes**
29 **to claim a tax credit under this chapter in a taxable year.**

30 **Sec. 22. The following apply to any person who issues a**
31 **certification described in section 21 of this chapter:**

32 **(1) The person consents that the person (and any successor in**
33 **interest of the person) will be subject to the jurisdiction of**
34 **Indiana courts.**

35 **(2) The person consents that service of process in accordance**
36 **with the Indiana Rules of Trial Procedure is proper service**
37 **and subjects the person (and any successor in interest of the**
38 **person) to the jurisdiction of Indiana courts.**

1 **(3) The person consents that any civil action related to the**
2 **provisions of this chapter and in which the person (or any**
3 **successor in interest of the person) is a party will be heard in**
4 **an Indiana court."**

5 Delete page 5.

(Reference is to HB 1397 as printed February 6, 2009.)

Representative Niezgodski